

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

)
BARBARA LODER HILDEBRANDT,)
)
Plaintiff,)
)
vs.) **Case No. C-1-02 0003**
)
HYATT CORPORATION, et al.,) **Judge Sandra Beckwith**
) **Magistrate Judge Timothy S. Black**
Defendants.)
)

**DEFENDANTS' OBJECTION TO AND MEMORANDUM IN OPPOSITION TO
PLAINTIFF'S REQUEST FOR AN EXTENSION OF TIME TO RESPOND TO
DEFENDANTS' MOTIONS IN LIMINE TO EXCLUDE EXPERT WITNESSES**

Defendants HYATT CORPORATION (“Hyatt”), TY HELMS (“Helms”), BRIAN J. BOOTH (“Booth”) and JACK HORNE (“Horne”), by and through their undersigned counsel, object to Plaintiff’s motion for an extension of time to respond to Defendants’ Motions in Limine to Exclude Expert Witnesses, and in support thereof state as follows:

1. On June 8, 2004, Defendants filed their Motions in Limine to Exclude Expert Witnesses in accordance with this Court’s order entered on March 25, 2003.
2. Plaintiff was required to respond to such Motions within 35 days prior to the final pre-trial conference (i.e., by June 18, 2004).
3. Plaintiff has had notice of such requirement since March 25, 2003.
4. There are five attorneys who have filed appearances in this matter on behalf of Plaintiff, including Stanley Morris Chesley, Edward Reilley Forman, John Marshall, Michael Jay O’Hara, and Robert Alan Steinberg.

5. At no point did any of Plaintiff's counsel attempt to confer with Defendants' counsel regarding an extension of time. Additionally, no explanation was provided as to why another attorney could not have responded to these Motions in Mr. Steinberg's absence.

6. Pursuant to Local Rule 7.3, the parties are required to confer prior to filing a Motion for Extension of Time. Local Rule 7.3 requires that the party filing for an extension of time "shall affirmatively state that such consultation has occurred or was attempted in good faith." Plaintiff has failed to comply with such Rule.

7. Furthermore, in this Court's order dated April 8, 2004, the Court reiterated that "[n]o further extension of [the dates contained in the original calendar order] will be granted."

8. Defendants' request for a similar extension of time was denied by this Court in its April 8, 2004 order.

9. Finally, granting this extension of time will foreshorten the time available to this Court for consideration of the Daubert-related issues prior to the final pre-trial conference in this case.

WHEREFORE, Defendants respectfully request that Plaintiff's Motion be denied and that Defendants' Motions in Limine be granted in their entirety.

DATED this 17th day of June 2004.

Respectfully submitted,

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By: s/Theresa M. Gallion by
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authorization of 6/17/04

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TRIAL ATTORNEYS FOR
DEFENDANTS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 17, 2004, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to Stanley M. Chesley and Robert Steinberg, , Waite, Schneider, Bayless, & Chesley Co., L.P.A., 1513 Central Trust Tower, Cincinnati, Ohio, 45202, Michael J. O'Hara, O'Hara, Ruberg, Taylor, Sloan & Sergent, 209 Thomas More Park, Suite C, P.O. Box 17411, Covington, Kentucky 41017-0411, and John S. Marshall and Edward R. Forman, Marshall and Morrow LLC, 111 West Rich Street, Suite 430, Columbus, Ohio 43215-5296.

s/Jeffrey J. Harmon

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